

REMARKS

Claims 1-10, 31-40, 52, and 61-75 are pending in the present application. By this amendment, claims 1, 3, 8-10, 31, 33, 38-40, 52, 64, 66, 71-73, and 75 have been amended. Accordingly, claims 1-10, 31-40, 52, and 61-75 are currently under consideration. Applicant respectfully submits that these claims are allowable.

No new matter has been added. For example, “outputs” are discussed at par. [0150] of the published application (2005/0125158 A1). Use of the model (e.g., by a “user”) is discussed at par. [0011] of the published application.

Interview Summary

Applicant thanks Examiner Sims for discussing the present application with Applicant’s representative, Robert E. Scheid, by telephone on October 5, 2007. Pending rejections of the claims were discussed. No agreement was reached. With respect to the rejections under 35 USC § 101, amending claims to include a user output was discussed. With respect to the rejections under 35 USC § 112, amending claims to relate the parameters to data was discussed. Additionally, with respect to the rejections under 35 USC § 112, amending claims 64, 71 and 75 to clarify the claim dependencies was discussed.

Claim Rejections under 35 USC § 101

Claims 1-10, 31-40, 52 and 61-75 stand rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 31, and 52 have been amended to include limitations for “*outputting at least one value for the virtual patient’s FPG at time t to a user.*”

Applicant respectfully requests that the above-cited rejection under 35 USC § 101 be withdrawn.

Claim Rejections under 35 USC § 112 (second paragraph)

Claims 1-10, 31-40 and 61-75 stand rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims have been amended for clarity.

Claim 3 has been amended to so that "*the parameters a, b, c, and d are set to fit data for a population that is represented by the virtual patient.*" Claims 8-10, 33, 38-40, 66, and 71-73 have been similarly amended.

Claim 64 has been amended to depend from claim 33. Claim 75 has been amended to depend from claim 66. Claim 71 has been amended to remove the erroneous dependency on claim 7.

Applicant respectfully requests that the above-cited rejection under 35 U.S.C § 112, second paragraph, be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **14-1437** referencing docket no. **8223.002.CPUS02**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 19, 2007

Respectfully submitted,

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